

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 49-FN, establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

Hearing Date: January 28, 2025

Time Opened: 1:16 p.m.

Time Closed: 1:35 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill establishes the crime of and penalties for unlawful use of small unmanned aircraft systems.

This bill is at the request of the department of safety.

Sponsors:

Sen. Birdsell

Rep. Roy

Who supports the bill: Ten individuals supported SB 49-FN. Contact Pete Mulvey (peter.mulvey@gc.nh.us) for further detail.

Who opposes the bill: Curtis Howland and Jesse Medeiros.

Who is neutral on the bill: N/A

Summary of testimony:

Senator Regina Birdsell

Senate District 19

- SB 49-FN is a request of the New Hampshire Department of Safety (DOS).
- SB 49-FN, relative to unmanned aircraft systems (UAS), establishes criminality and penalties for unlawful use.
 - Operators of UAS which disrupt law enforcement and emergency services will be liable for a misdemeanor.
 - Negligent operation which interferes with human-occupied craft, disrupting flight or impeding operations, shall be guilty of a class A misdemeanor.
 - Damage to human-occupied craft, possession of UAS capable of inflicting bodily harm, and or delivery of contraband to a corrections facility may all result in a class B felony.

- SB 49-FN provides that an individual shall be guilty of a class A felony if their operation of UAS results in bodily injury or death.
- Sen. Birdsell noted that the DOS supports an amendment to the current bill which adds language that outlines how the bill would pertain to current federal regulations on UAS.
- Sen. Altschiller stated that there was no fiscal note attached to the bill and asked if one would be forthcoming.
 - Sen. Birdsell speculated that it was under review.

Christopher Ball and Tricia Lambert

New Hampshire Department of Safety

- Trooper Ball testified that the State Police and DOS were in favor of SB 49-FN and cited a lack of regulations for drones and the constraints current law put on law enforcement regarding pursuit of nefarious use.
- DOS requested that language be added to SB 49-FN ensuring compliance and congruence with federal regulations, namely the Aeronautics Act.
- Ms. Lambert reiterated that DOS supports SB 49-FN and stated that the intent was to regulate the use of UAS according to current safety standards.
- Trooper Ball stated that the bill did not seek to egregiously limit drone usage, but simply to allow a means of regulation to ensure their safe operation.
- Sen. Reardon asked if what was considered UAS was clearly defined and where users may find such information.
- Trooper Ball stated that there were parameters addressing what constituted UAS and added that most drone manufacturers outlined federal regulations on the packaging.

Jeff Oja and Thaddeus Dickinson

United States Space Force

- Mr. Dickinson testified that his position pertained to counterterrorism at the New Boston Tracking station and that the Space Force fully supported the bill.
- Mr. Dickinson stated that the New Boston Tracking Station was only one of eight satellite tracking stations around the globe and contained critical infrastructure to US defense.
- Mr. Dickinson suggested that defense infrastructure should not be a playground for civilian UAS and requested that an amendment be made to the current bill escalating the first offense of flying over a military facility from a violation to a misdemeanor, and to escalate a second offense from a misdemeanor to a felony.
 - Accordingly, a violation, Mr. Dickinson suggested, was not a stiff enough penalty to deter offenders from attaining top secret information that was essential to national security.
- Mr. Oja emphasized that a personal drone bought off eBay or RadioShack could seriously impact the scope of their work.

Helen Hanks and Jay Darrah

New Hampshire Department of Corrections

- Commissioner Hanks testified in favor of SB 49-FN and was in favor of increased penalties for offenders flying UAS over correctional facilities, particularly those potentially dropping contraband or procuring information which would aid escape.
- Commissioner Hanks cited an incident from another state in which a drone flew over a correctional facility to drop a cell phone which was subsequently used to aid members of the Aryan Brotherhood in an escape, culminating in a loss-of-life.
- The committee was asked to consider line 16 of the bill to ensure the language was inclusive towards county facilities.

- Chief Darrah referred to a 90-day drone detection pilot program undertaken by the State Corrections facility in Concord, which he oversaw.
- Chief Darrah stated that while the program did not detect any criminal activity with drones, they did identify three to four curious or careless operators.
 - The program underscored the vulnerability of the facility to UAS.
- Sen. Altschiller asked for clarity on what types of drones were spotted in the program, specifically whether they were criminal or careless.
 - Chief Darrah reiterated that no drones were caught engaging in criminal activity; however, three to four drones were caught flying over the facility in a careless or curious nature.
- Sen. Altschiller asked if the pilot program offered any radio jamming abilities.
- Chief Darrah stated that state law precluded the use of such technology.

PM

Date Hearing Report completed: January 31, 2025